



Reprinted  
February 16, 1999

---

---

## SENATE BILL No. 421

---

DIGEST OF SB 421 (Updated February 15, 1999 3:00 pm - DI 69)

**Citations Affected:** IC 13-12.

**Synopsis:** Environmental remediation. Requires the department of environmental management to ensure that remediation and closure goals, objectives, and standards for activities conducted under the laws concerning hazardous waste management and underground storage tanks are consistent with: (1) realistic current and reasonably foreseeable exposure; and (2) the remediation objectives of voluntary remediation law. Provides that for environmental remediation projects groundwater quality standards must be consistent with: (1) realistic current and reasonably foreseeable exposure; and (2) the remediation objectives of voluntary remediation law. Requires the department to complete and publish in the Indiana Register the department's "Risk Integrated System of Cleanup" (RISC) guidance document before August 1, 1999. Specifies that the RISC guidance document: (1) may constitute only department guidance; (2) may not be included in an

(Continued next page)

**Effective:** July 1, 1999.

---

---

**Adams K, Gard**

---

---

January 13, 1999, read first time and referred to Committee on Environmental Affairs.  
February 9, 1999, reported favorably — Do Pass.  
February 15, 1999, read second time, amended, ordered engrossed.

---

---

SB 421—LS 7030/DI 69+



C  
o  
p  
y

administrative rule; and (3) shall be administered in a manner that allows flexibility and deviations from the RISC guidance document based on site specific circumstances. Requires the department, until August 1, 2001, to allow a person that performs an environmental investigation, remediation, or closure to choose to use: (1) the department's published RISC guidance document; or (2) the rules, policies, and guidance in effect on January 1, 1998, to perform the investigation, remediation, or closure. Requires the environmental quality service council to submit a recommendation to the general assembly before December 1, 2000, as to whether the department should: (1) continue to allow a person that performs an environmental investigation, remediation, or closure to choose to use the department's published RISC guidance document, or the rules, policies, and guidance in effect on January 1, 1998; or (2) be allowed to fully implement the published RISC guidance document.

C  
o  
p  
y



Reprinted  
February 16, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 421

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-12-3-2 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 1999]: **Sec. 2. (a) The department shall ensure that remediation**
- 4 **and closure goals, objectives, and standards for activities**
- 5 **conducted under IC 13-22 and IC 13-23 are consistent with:**
- 6 (1) realistic current and reasonably foreseeable exposure
- 7 scenarios; and
- 8 (2) the remediation objectives set forth in IC 13-25-5-8.5.
- 9 (b) For environmental remediation projects, the groundwater
- 10 quality standards adopted under IC 13-18-17-5 must be consistent
- 11 with:
- 12 (1) realistic current and reasonably foreseeable exposure
- 13 scenarios; and
- 14 (2) the remediation objectives set forth in IC 13-25-5-8.5.
- 15 (c) The department shall complete and publish in the Indiana

SB 421—LS 7030/DI 69+



1 Register the department's "Risk Integrated System of Cleanups"  
 2 (RISC) guidance document before August 1, 1999. The RISC  
 3 guidance document:

- 4 (1) may only constitute department guidance;
- 5 (2) may not be included in a rule adopted under IC 4-22-2 and
- 6 IC 13-14-9; and
- 7 (3) shall be administered in a manner that allows flexibility
- 8 and deviations from the RISC guidance document based on
- 9 site specific circumstances.

10 (d) Until August 1, 2001, the department shall allow a person  
 11 that performs an environmental investigation, remediation, or  
 12 closure under IC 13-22, IC 13-23, or IC 13-25 to choose to employ:

- 13 (1) the department's published RISC guidance document; or
- 14 (2) the rules, policies, and guidance in effect on January 1,
- 15 1998;

16 to perform the investigation, remediation, or closure.

17 (e) Before August 1, 2000, the department shall:

- 18 (1) contract with an independent accounting firm:
- 19 (A) that has experience with environmental regulations;
- 20 and
- 21 (B) at a cost of not more than one hundred thousand
- 22 dollars (\$100,000);

23 to perform an economic analysis that compares the costs of  
 24 performing environmental investigations, remediations, and  
 25 closure under the published RISC guidance document with  
 26 the costs of performing environmental investigations,  
 27 remediations, and closures under the rules, policies, and  
 28 guidance in effect on January 1, 1998; and

29 (2) conduct at least four (4) public hearings:

- 30 (A) to receive comments and testimony from the public
- 31 concerning the implementation of the published RISC
- 32 guidance document; and
- 33 (B) to be held quarterly.

34 (f) The department shall prepare and submit a report to the  
 35 environmental quality service council before September 1, 2000,  
 36 that details the implementation of the published RISC guidance  
 37 document and includes:

- 38 (1) the results of the economic analysis; and
- 39 (2) information received at the public hearings;

40 conducted under subsection (e).

41 (g) The department shall revise and update its RISC guidance  
 42 document:



1 (1) at least one (1) time each year; or

2 (2) as necessary to reflect changes in the science of risk and  
3 other applicable developments.

4 (h) Before December 1, 2000, the environmental quality service  
5 council shall submit a recommendation to the general assembly as  
6 to whether the department should:

7 (1) continue to allow a person that performs an environmental  
8 investigation, remediation, or closure under IC 13-22,  
9 IC 13-23, or IC 13-25 to choose to employ:

10 (A) the department's published RISC guidance document;  
11 or

12 (B) the rules, policies, and guidance in effect on January 1,  
13 1998;

14 to perform the investigation, remediation, or closure as  
15 described in subsection (d); or

16 (2) be allowed to fully implement the published RISC  
17 guidance document.

18 (i) This section expires December 31, 2001.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 421, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 421 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 1.

C  
o  
p  
y

SB 421—LS 7030/DI 69+



SENATE MOTION

Mr. President: I move that Senate Bill 421 be amended to read as follows:

Page 2, line 17, delete "1999" and insert "**2000**".

(Reference is to SB 421 as printed February 10, 1999.)

ADAMS

C  
o  
p  
y

